

SENATE BILL NO. 475

INTRODUCED BY J. O'NEIL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PENALTY FOR PRACTICING LAW WITHOUT A LICENSE; PROVIDING THAT, EXCEPT IN CASES INVOLVING FRAUD, NO PENALTY OTHER THAN CONTEMPT OF COURT MAY BE IMPOSED ON A PERSON PROVIDING ADVICE IN THE COURSE OF THE PERSON'S PROFESSION OR OCCUPATION; AMENDING SECTION 37-61-210, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-61-210, MCA, is amended to read:

"37-61-210. Penalty for practicing without license. (1) If any person practices law in any court, except a justice's court or a city court, without having received a license as attorney and counselor, ~~he~~ the person is guilty of a contempt of court.

(2) Except in cases involving fraud, a penalty other than the penalty provided in subsection (1) may not be imposed on a person for providing advice in the course of the person's profession or occupation.

(3) Subsection (2) may not be construed as a defense in an action for civil liability for any misconduct in the course of a profession or occupation."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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